

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,                          )  
  )  
Plaintiff,    )  
  )  
v.   )    Case No. 19-01289  
  )  
  )  
\$5,000.00 in UNITED STATES                         )  
CURRENCY, More or Less;                              )  
  )  
Defendant.    )  
  )

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**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, United States of America, by and through its attorneys, Stephen R. McAllister, United States Attorney for the District of Kansas, and Annette Gurney, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: \$5,000.00 in United States currency for violations of 21 U.S.C. § 841et seq.

**THE DEFENDANTS IN REM**

2. The defendant consists of approximately \$5,000.00 in United States currency, that were seized from a mail parcel addressed to Ivan Vasquez by the United States Postal Service on

or about June 18, 2019 in Wichita, Sedgwick County, Kansas, in the District of Kansas. The defendant is currently in the custody of the United States Postal Inspection Service.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355.

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1355(b). Upon filing this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because acts or omissions giving rise to the forfeiture occurred in this district and/or pursuant to 28 U.S.C. § 1395, because the defendant is located in this district.

**BASIS FOR FORFEITURE**

6. The defendant is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; and/or 2) proceeds traceable to such an exchange; and/or 3) money, negotiable instruments, and securities used or intended to be used to facilitate a violation of the Controlled Substances Act.

7. Supplemental Rule G (2)(f) requires this complaint to state sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at

trial. Such facts and circumstances supporting the seizure and forfeiture of the defendant are contained in Exhibit A which is attached hereto and incorporated by reference.

**CLAIM FOR RELIEF**

WHEREFORE, the plaintiff requests that the Court issue a warrant for the arrest of the defendant; that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the defendant; that the defendant be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action; and for such other and further relief as this Court deems proper and just.

The United States hereby requests that trial of the above entitled matter be held in the City of Wichita, Kansas.

Respectfully submitted,

STEPHEN R. MCALLISTER  
United States Attorney

/s/ Annette Gurney  
ANNETTE GURNEY, #11602  
Assistant United States Attorney  
1200 Epic Center, 301 N. Main  
Wichita, Kansas 67202  
(316) 269-6481  
Fax (316) 269-6484

**DECLARATION**

I, Paul B. Shade, am a Postal Inspector with the United States Postal Inspection Service in the District of Kansas.

I have read the contents of the foregoing Complaint for Forfeiture and the exhibit thereto, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4 day of November, 2019.



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Paul B. Shade  
Postal Inspector  
United States Postal Inspection Service

**AFFIDAVIT IN SUPPORT OF A COMPLAINT FOR FORFEITURE**

I, Paul Shade, being first duly sworn, depose and state:

1. Your Affiant has been employed as a United States Postal Inspector for the United States Postal Inspection Service (USPIS) since July, 2004. My duties include investigation of violations of the Controlled Substance Act, Title 21 of the United States Code and the forfeitures thereto.
2. The information contained in this affidavit is known to your Affiant through personal direct knowledge, and /or through a review of official reports prepared by other law enforcement personnel. This affidavit is submitted in support of a complaint for forfeiture of approximately \$5,000 seized by the USPIS on June 17, 2019 in the District of Kansas from a mail parcel.
3. On June 17, 2019, while at the Postal Service's Processing and Distribution Center, located at 7117 W. Harry St, Wichita, Kansas 67276, I observed an Express Mail parcel, bearing tracking number "EE409113218US," addressed to "Ivan Vasquez, xxxx Hawkins Ln, Eugene, OR 97405" with a return address of "Elijah Horton, xxxx S. Market, Wichita, KS 67211" was mailed on June 17, 2019 from Wichita, KS Post Office 67216. Further, this parcel weighs approximately 1 pound 8 ounces and bears \$25.50 in postage ("Subject Parcel"). Investigation revealed that the \$25.50 in postage was paid for with cash.
4. I queried the Subject Parcel's listed return address information (Elijah Horton, xxxx S. Market, Wichita, KS 67211) in the CLEAR Law Enforcement Database as well as the US Postal Service Address Management System. Horton was not identified as being associated to the address.
5. I queried the Subject Parcel's listed addressee information (Ivan Vasquez, xxxx Hawkins Ln, Eugene, OR 97405) in the TLO Law Enforcement Database utilized by the Police Department. Vazquez was identified as being associated to the address as it appears to be his mother's address.
6. On June 17, 2019 at approximately 8:25 pm I contacted the recipient listed on Express Mail parcel, bearing tracking number "EE409113218US," Ivan Vasquez. He was contacted via phone number of 408-843-xxxx. After identifying myself as a United States

Postal Inspector I asked Ivan Vasquez if he was expecting any packages from the Wichita Kansas area, and he said that he was expecting a package but could not remember what the contents were in the package. Vasquez explained that he purchased something from Etsy but did not remember exactly what it was. Vasquez consented to a search of the package. Vasquez did not have any contact information for the sender. I attempted to call Vasquez again to ask further questions but received no answer.

7. The parcel was opened and contained \$5000.00 in US currency concealed inside magazine where it was wrapped in gift wrap, and vacuum sealed.
8. Later, a certified drug detection canine alerted to the odor of controlled substances emitting from the currency.
9. Based on the information set out above, Affiant has probable cause to believe that the \$5,000.00 seized by USPIS constitutes money or other things of value furnished or intended to be furnished in exchange for a controlled substance, or proceeds traceable to such an exchange, or was used or intended to be used to facilitate one or more violations of Title 21, U.S.C. § 841 et. seq. Accordingly, the property is subject to forfeiture pursuant to Title 21, U.S.C. § 881.



Paul Shade

Postal Inspector

Sworn to and subscribed before me this 4<sup>th</sup> day of November, 2019.



Michelle R. Kellogg  
NOTARY PUBLIC